



Austin City Council MINUTES

NOTICE OF MEETING
THURSDAY, MARCH 25, 1999

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 12:35 p.m.

The City Council announced it would go into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss of land acquisition, litigation, and personnel matters as specifically listed on this agenda. Also, the City Council may receive advice from Legal Counsel regarding any other item on this agenda.

80. Discuss proposed acquisition of downtown property by City of Austin, proposed lease of downtown City of Austin property for development, and relocation of current occupants of proposed leased sites.

Executive Session ended at 1:50 p.m.

LIVE MUSIC:

INVOCATION – Minister Rick Laing – Highland Village Church of Christ

THE CITY COUNCIL OF AUSTIN, TEXAS, WILL CONVENED IN A MEETING AT 1:30 P.M. ON THURSDAY, MARCH 25, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

1. Approval of Minutes for Regular Meeting of March 11, 1999
Postponed

CITIZEN COMMUNICATIONS: GENERAL

2. Jon Empey – Discuss Proposed Changes to Land Development Code
3. Robert L. Thomas – Discuss Employment and Termination at the Rosewood Recreation Center
4. Mike Workman – Discuss Issues Resulting from the use of filters on public terminals in the Austin Public Library
Absent
5. Charles T. Waits, Jr. – Discuss Advisability of “Green Energy” Tax
6. Carol Blodgett – Discuss Advice Regarding Homeless People in Austin
7. Jennifer L. Gale –
8. Barrett Sundberg – Mueller Airport Closing
9. Susan Reid – Austin Public Library Summer Reading Program
87. Pate Brendle – CONA 2222 Development Team

BOARD AND COMMISSION REPORTS

10. ELECTRIC UTILITY COMMISSION – Theresa Reel, Chair
The presentation on the Electric Utility Commission was not given.

CONSENT AGENDA

ALL OF THE FOLLOWING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER LEWIS' MOTION, COUNCIL MEMBER SPELMAN'S SECOND BY A 6-0 VOTE. COUNCIL MEMBER GRIFFITH WAS ABSENT.

11. Approve a resolution authorizing the execution of a contract with HUGHES SYSTEMS, INC. Traverse City, Michigan, for the purchase and installation of an IBM 7025-F50 RS/Computer system with IBM AIX Operating System for the Fleet Services of the Finance and Administrative Services Department for a total contract amount of \$77,670. (Funding in the amount of \$68,000 was included in the Fiscal Year 1998-99 Approved Operating Budget of the Finance and Administrative Services Department, Fleet Services. Funding in the amount of \$9,670 was included in the Fiscal Year 1995-96 Approved General Government Capital Budget.) Low bid of five. No MBE/WBE Subcontracting Participation.
Resolution No. 990325-11 was approved.

Item #12 was pulled for discussion.

13. Approve a resolution authorizing execution of a twelve month supply agreement with WOODS FUN CENTER, INC., Austin, Texas, for the purchase of captive repair parts for Kawasaki motorcycles in an amount not to exceed \$80,000 with one twelve-month extension option in an amount not to exceed \$80,000 for a total contract amount not to exceed \$160,000. (Funding in the amount of \$40,000 was included in the 1998-99 Approved Operating Budget of the Austin Police Department. Funding for the remaining six months of the original contract period and the extension option will be contingent upon available funding in future budgets.) Low bid of two. No MBE/WBE Subcontracting participation.
Resolution No. 990325-13 was approved.

14. Approve a resolution authorizing an Interlocal Agreement with Travis County Emergency Services District Number 9 for the provision of First Responder Services to the area along Lake Austin contiguous to the District for a period of one year and a renewal term of two years. (Funding in the amount of \$1.00 was included in the 1998-99 Operating Budget of the Fire Department.)
Resolution No. 990325-14 was approved.
15. Approve a resolution authorizing an Interlocal Agreement with Travis County Emergency Services District Number 2 for the provision of First Responder Fire and EMS Services to the North IH 35 area annexed in 1978 for an initial term of four years and for two renewal terms of one year each.
Resolution No. 990325-15 was approved.
16. Approve a resolution authorizing an Amendment to an Agreement with the Jollyville Volunteer Fire Department, Inc. for the provision of First Responder Fire and EMS Services to the Pond Springs Multi-Family Annexation Area for an initial term of four years and for two renewal terms of three years and two years each. (Funding in the amount of \$50.00 from the Austin Fire Department Budget with the funding for the remaining three years of the amended Agreement and the extension options being contingent upon availability in future budgets.)
Resolution No. 990325-16 was approved.
17. Approve a resolution authorizing Amendment to Interlocal Agreement between the City of Sunset Valley and the City of Austin for the Austin Fire Department to provide Fire Protection Services to Sunset Valley. (\$191,952 Revenue to the City for Fiscal Year 1998-99)
Resolution No. 990325-17 was approved.
18. Approve a resolution authorizing Service Extension Request No. 1881 for wastewater service submitted by BILL MALONE, JR. for the 10904 D-K Ranch which is located outside the city limits of Austin at 10904 DOK Ranch Road, but with Austin's limited purpose jurisdiction. (Water and Wastewater Commission –No Majority Recommendation)
This item has been postponed indefinitely.
19. Approve a resolution authorizing negotiation and execution of an Amendment to the Professional Services Agreement with CAMP DRESSER & McKEE, INC., Austin, Texas, for professional engineering services for a membrane pilot study of the treatment of filter backwash water and purchase of an ozone generator and analyzer as part of the Pilot Assessment of Treatment Options to meet the Safe Drinking Water Act (SDWA) Amendments of 1996, in an amount not to exceed \$64,000 for a total contract amount of \$564,000. (Funding in the amount of \$64,000 is included in the 1997-98 Amended Capital Budget for the Water and Wastewater Utility. 8.6% MBE, 18.2% WBE Subconsultant participation.) [Recommended by Water and Wastewater Commission]
Resolution No. 990325-19 was approved.

Item #20 was pulled for discussion.

21. Approve a resolution authorizing the City Manager to negotiate and execute an interlocal agreement with the Anderson Mill Municipal Utility District for engineering services for the relocation of water and wastewater lines within the right of way of U.S. Highway 183, between Anderson Mill Road and Farm to Market 620. (Recommended by Water and Wastewater Commission)
Resolution No. 990325-21 was approved.
22. Approve a resolution authorizing Service Extension Request No. 1877 for water service submitted by BLAKE MAGEE for the Preserve at Riverplace tract which is located outside the city limits of Austin, but within Austin's limited purpose jurisdiction. (Recommended by Water and Wastewater Commission)
This item has been postponed indefinitely.
23. Approve a resolution authorizing Service Extension Request No. 1876 for wastewater service submitted by BLAKE MAGEE for the Preserve at Riverplace tract which is located outside the city limits of Austin, but within Austin's limited purpose jurisdiction. (Recommended by Water and Wastewater Commission)
This item has been postponed indefinitely.
24. Approve a resolution authorizing the City Manager to negotiate and execute an interlocal agreement with the City of Cedar Park for the hiring of a consultant to develop site plan options for approximately 215 acres owned by the City of Austin at the intersection of Lime Creek Road and FM 1431 in an amount not to exceed \$38,000. (The total study is estimated to cost less than \$38,000. Funding is available in the 1998-99 Approved Water and Wastewater Utility operating budget.) [Recommended by Water and Wastewater Commission.
Resolution No. 990325-24 was approved.
25. Amend Ordinance No 980915-A, the 1998-99 Operating Budget by reducing the General Fund Contingency Reserve by \$376,500, increasing the General Fund Transfer to the Support Services Fund, increasing the appropriations for the Financial and Administrative Services Department for additional support of the GAATN Agency (\$130,500) and the addition of 5.0 FTEs for support of the Austin Police Department information technology activities (\$246,000). (Funding in the amount of \$376,500 is available from the General Fund Contingency Reserve)
Ordinance No. 990325-25 was approved.
26. Approve a resolution authorizing execution of a five year revenue generating contract with ROWING DOCK, Austin, Texas, for a rowing and sculling concession located on Town Lake in an estimated amount of \$12,000 with the option to extend for one additional five- year period in an estimated amount of \$12,000 a year, for an estimated total contract amount of \$60,000 Revenue Contract-\$12,000/year. (\$60,000 net guaranteed revenue to the City over the duration of the first five year contract period and \$60,000 net guaranteed revenue for the second five year contract period. Additional revenue will be based on percentage of net sales. Revenue will be placed in the General Fund. Budgeted Revenue in 1998-99 Approved General Fund Budget. Best of two proposals. No MBE/WBE Subcontracting participation. (Recommended by Parks and Recreation Commission)
This item has been postponed indefinitely.
27. Approve a resolution authorizing execution of a contract with ANDERSON MACHINERY COMPANY, Austin, Texas for purchase of one replacement motor grader for the Parks and Recreation

Department in the amount of \$96,025. (Funding was included in the 1998-99 Approved Vehicle Acquisition Fund.) Low bid of two. No MBE/WBE subcontracting opportunities were identified.
Resolution No. 990325-27 was approved.

28. Approve a resolution authorizing execution of a contract with MANLEY CONSTRUCTION, Pflugerville, Texas, for construction of Cook School Park Play Area Renovation, in the amount of \$82,693. (Funding was included in the 1990-91 Amended Capital Budget of the Parks and Recreation Department.) Low bid of three.
3.35% MBE, .72% WBE Subcontracting participation.
Resolution No. 990325-28 was approved.

29. Approve a resolution authorizing negotiation and execution of a twelve month service agreement with CENETRON DIAGNOSTICS, Austin, Texas, to perform HIV-1 RNA PCR Quantitative laboratory tests by Roche amplicor (HIV plasma RNA laboratory tests) to patients at the David Powell Health Center, in an amount not to exceed \$259,200 with three twelve-month extension options in an amount not to exceed \$259,200 per extension for a total contract amount not to exceed \$1,036,800. (Funding in the amount of \$194,400 was included in the FY 1998-1999 Health and Human Services Special Revenue Fund for the Ryan White Title III grant program through December 1999. Funding for the final three (3) months and the extension options is contingent upon available funding in future budgets.) Low bid of three. No MBE/WBE Subcontracting opportunities were identified.
Resolution No. 990325-29 was approved.

30. Approve a resolution authorizing an Interlocal Cooperation Agreement with Austin Travis County Mental Health and Mental Retardation Center to fund the Downtown Austin Community Court Screening Project for the period of January 1, 1999, through May 31, 1999, at a cost to the City not to exceed \$27,744. (Funding in the amount of \$27,744 is included in the Operating Budget for the Municipal Court.)
Resolution No. 990325-30 was approved.

31. Approve a resolution authorizing the negotiation and execution of a revenue-generating agreement with SMARTE CARTE, INC., St. Paul, Minnesota, for the procurement, installation, operation and maintenance of a baggage cart concession in the Austin-Bergstrom International Airport (ABIA) terminal complex. (The estimated revenue for Fiscal Year 1998-99 is \$5,000. This revenue is not included in the 1998-99 Amended Budget of the DOA. Revenue to the Department of Aviation (DOA) over the life of the initial five-year term of the contract is estimated at \$53,000.)
Resolution No. 990325-31 was approved.

Items #32 and #33 were pulled for discussion.

34. Approve a resolution authorizing negotiation and execution of a contract with SEVERN TRENT SYSTEMS, Houston, Texas, for a work management software (WMS) system including installation, training and one year of maintenance in an amount not to exceed \$711,750 with four additional one year maintenance extension options in an amount not to exceed \$97,500 for years two and three and \$107,250 for years four and five for a total contract amount not to exceed \$1,121,250. (Funding in the amount of \$711,750 is available in the 1998-99 Capital Budget for the Electric Utility Department. Funding for the extension options is contingent upon the approval of future year budgets.) Best of

seven proposals received. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990325-34 was approved.

35. Approve a resolution authorizing negotiation and execution of a contract with ABB INFORMATION SYSTEMS, Raleigh, North Carolina for a distribution system planning and analysis software system including installation, training and one year of maintenance in an amount not to exceed \$306,660 with four additional one year maintenance extension options in an amount not to exceed \$20,610 for the first extension option and \$27,480 respectively for the remaining three extension options for a total contract amount not to exceed \$409,710. (Funding in the amount of \$306,660 is available in the 1998-99 Capital Budget for the Electric Utility Department. Funding for the extension options is contingent upon the approval of future year budgets.) Best of eight proposals received. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 990325-35 was approved.

Items #36 and #37 were pulled for discussion.

38. Approve a resolution authorizing execution of a construction contract with L.D. TEBBEN CO. ROOFING & CONSTRUCTION, Austin, Texas, for repair of the existing roof at the Montopolis Recreation Center located at 1200 Montopolis Drive, in the amount of \$67,900. (Funding is included in the Fiscal Year 1998-99 Approved Capital Budget of Financial and Administrative Services.) No MBE/WBE Subcontracting opportunities were identified.
Resolution No. 990325-38 was approved.
39. Approve a resolution authorizing fee simple acquisition of Lot 3, Block "A", River Valley Estates, locally known as 12911 Three Island Road, Del Valle, Texas, from RICHARD P. AND PATRICIA M. SCHOENHARDT for the expansion of the South Austin Regional Wastewater Treatment Plant, in an amount of \$115,000 plus \$27,000, in relocation benefits, for a total amount of \$142,500. (Funding is included in the 1997-98 Amended Capital Budget of the Water and Wastewater Utility.)
Resolution No. 990325-39 was approved.
40. Approve a resolution declaring official intent to reimburse acquisition and construction costs to be paid out of the following funds: Water CIP Fund 3960, \$166,350 and Wastewater CIP Fund 4570, \$165,635, for developer reimbursements related to 1997 municipal utility district annexation. (Recommended by Water and Wastewater Commission) [Recommended by Planning Commission]
Resolution No. 990325-40 was approved.
41. Amend Ordinance No. 980915-B, the 1998-99 Capital Budget by increasing appropriations¹to the Water and Wastewater Utility by \$331,985 and creating a new water project known as "Milburn Water Reimbursement" and a new wastewater project known as "Milburn Wastewater Reimbursement" and transferring and appropriating \$686,355 from the 1999 CIP Contingency Account to the Watershed Protection Department's "Drainage Developer Reimbursement in Annexed Areas" project account. (Recommended by Water and Wastewater Commission and Environmental Board) [To be reviewed by Planning Commission]
Ordinance No. 990325-41 was approved.

42. Adopt Ordinance granting to DAVID P. ARSCOTT AND SUSANNA M. REYNOLDS, owners of the lots at 2006 and 2010 S. 2nd Street, a one-time partial waiver of water and wastewater capital recovery fees and a one-time partial reimbursement of subdivision fees consistent with the Smart Growth zone-specific incentives approved by the Land Development Code Subcommittee on January 27, 1999 in the amount of \$1,697.50. (Waiver of these fees will result in the loss of \$555 revenue from the Department of Development Review and Inspection and \$1,142.50 unbudgeted revenue from the Water and Wastewater Utility.
Ordinance No. 990325-42 was approved with an adoption of an ordinance granting a one-time partial waiver of water and wastewater capital recovery fees and a one-time partial reimbursement of subdivision fees consistent with Smart Growth Zone specific Incentives which was approved by the LDC subcommittee on January 27, 1999.
43. Approve an ordinance authorizing acceptance of \$235,000 in grant funds from the State of Texas Telecommunications Infrastructure Fund Board for enhanced Internet access for the public at all Austin Public Library locations, and to provide enhanced World Wide Web services and availability; amend Ordinance 980915-A, the 1998-99 Operating Budget, amending the Library Special Revenue Fund by appropriating \$235,000 to that fund. (Funding in the amount of \$235,000 from the State of Texas Telecommunications Infrastructure Fund Board. Total 1998-99 grant amount is \$235,000. The grant period is April 1, 1999 through June 30, 2000. The City will provide \$3,367 (which is available in the Fiscal Year 1999 Operating Budget for the Library) for equipment costs for a total of \$238,367.)
Ordinance No. 990325-43 was approved.

Item #44 was pulled for discussion.

45. C14-98-0133 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7213 McNeil Road from "SF-3" Family Residence district to "CS-CO", General Commercial Services-Conditional Overlay district zoning with conditions. First reading on November 5, 1998; Vote 6-0 (Lewis off dais). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: David and Sharon Hall; Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.
Ordinance No. 990325-45 was approved.
46. C14-98-0155 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 11877 to 11879 Research Blvd. and 12000 Bell Avenue from "LO" Limited Office and "GR" Community Commercial to "LO-CO" Limited Office-Conditional Overlay district zoning with conditions. First reading on January 14, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: City of Austin; Agent: Development Review and Inspection Department. City Staff: David Wahlgren, 499-6455. Note: A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 990325-46 was approved.
47. C14-98-0208 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5815 West William Cannon from "LO", Limited Office district to "GO-CO", General Office-Conditional Overlay district zoning with conditions. First reading on February 25, 1999; Vote 7-0. First reading on January 14, 1999; Vote 7-0. Conditions met as

follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: L. L. Endeavors (Leo Cormier); Agent: ATS Engineering (Andrew Evans). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990325-47 was approved.

48. C14-98-0246 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 3100 Manchaca Road, from "SF-3", Family Residence district, to "LO-CO", Limited Office-Conditional Overlay district zoning with conditions. First reading on February 25, 1999; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: South Oaks Partnership (Michael McCann); Agent: McCann & Associates (Michael McCann). City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990325-48 was approved.

49. C814-91-0001 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as Little Texas Lane and IH-35 South from "PUD", Planned Unit Development district to "PUD", Planned Unit Development district zoning with conditions. First reading on February 25, 1999; Vote: 7-0. Conditions met as follows: Ordinance incorporates conditions imposed by Council on first reading. Applicant: Cohen-Emmet Joint Venture (Cal L. Donsky); Agent: Minter/Joseph/Thornhill (John Joseph). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990325-49 was approved.

50. C14-74-061 – Approve an ordinance amending Ordinance No. 740801-E by correcting the field notes that described the property locally known as 5901-6011 South Congress Avenue, 101-1111 Little Texas lane; 500-900 Little Texas Lane; 1000-1104 Little Texas Lane; 5514-5600 South IH-35; 5610-5712 South IH-35; and 5900-6120 South IH-35. City Staff: Joe Arriaga, 499-2308

Ordinance No. 990325-50 was approved.

51. C14-98-0272 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9422 Anderson Mill Road from "I-RR", Interim-Rural Residence district to "LR", Neighborhood Commercial district zoning. First reading on March 3, 1999; Vote 6-0 (Lewis off dais). Conditions met as follows: No conditions were imposed by Council on first reading. . Applicant: Lamar Enterprises (Larry Mitchell); Agent: Lisa Mitchell. City Staff: Clark Patterson, 499-2464.

Ordinance No. 990325-51 was approved.

Item #52 was pulled for discussion.

53. Approve a resolution authorizing negotiation and execution of a Joint Funding Agreement with the UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY for water resources investigation projects, in the amount of \$284,817 from the City of Austin and \$179,290 from the United States Department of the Interior Geological Survey. (Funding in the amount of \$284,817 was included in the Fiscal Year 1998-99 Operating Budget of the Watershed Protection Department)

Resolution No. 990325-53 was approved.

54. Approve an ordinance to amend Section 2-4-441(A) of the City Code to delete the words “and south of U.S. Highway 290” from the membership requirements of the Solid Waste Advisory Commission.
Ordinance No. 990325-54 was approved.
55. Approve an ordinance to waive the provision of Section 2-4-9(A), Limitation on Members, of the Austin City Code, to allow Dave Sullivan, a member of the Planning Commission, to serve on the Bond Oversight Committee.
Ordinance No. 990325-55 was approved.
56. Set public hearings for the limited purpose annexation of the Balfour PUD Tract (approximately 588 acres on the north side of Bee Caves Road, approximately ½ miles west of the intersection of Bee Cave Road and Senna Hill Drive. (Suggested dates and times: April, 8, 1999 at 6:00 p.m. and April 15, 1999 at 6:00 p.m.) [Planing Commission]
Resolution No. 990325-56 was approved.
57. Approve a resolution supporting the integration requirements of the American with Disabilities Act (ADA). (Council Member Gus Garcia and Council Member William Spelman)
Resolution No. 990325-57 was approved.
58. Approve a resolution to authorize the use of up to \$3.5 million from BGA mobility and street reconstruction funds as local contribution dollars, in order to leverage State and Federal money for the construction of State Highway projects on 183. (Mayor Kirk Watson)
Ordinance No. 990325-58 was approved.
59. Approve fee waiver for the International Day Without Violence Parade (Mayor Kirk Watson and Mayor Pro Tem Jackie Goodman)
Ordinance No. 990325-59 was approved.

Items #60 – 67 were pulled for discussion.

68. Conduct a public hearing on proposed amendments to the Land Development Code to adopt the mitigation land policy in the Barton Springs Zone, including changes to the SOS Ordinance.
This item has been pulled from the agenda.

Items #69-88 were discussed at a later time during this meeting.

89. Approve a resolution authorizing the sale of glass and plastic materials from the City’s recycling programs using spot market quotations from an approved buyer list and authorize the City Manager to amend this list as necessary. (This item will generate estimated revenues of \$50,000, which added to the recyclable paper and metals revenue contracts will credit \$224,000 over the budgeted amount to Solid Waste Services Fund for 1998-99) [Solid Waste Advisory Commission]
Resolution No. 990325-89 was approved.

DISCUSSION ITEMS

12. Approve a resolution authorizing execution of a twelve (12) month service agreement with JIFFY LUBE, Austin, Texas, for preventative maintenance services of light duty vehicles in an amount not to

exceed \$40,000 with two twelve-month extension options in an amount not to exceed \$40,000 per extension for a total contract amount not to exceed \$120,000. (Funding in the amount of \$20,000 was included in the 1998-99 Approved Operating Budgets of various City departments. Funding for the remaining six months of the original contract period and the extension options will be contingent upon available funding in future budgets.) Low bid of two. No MBE/WBE Subcontracting opportunities were identified.

Resolution No. 990325-12 approved on Council Member Lewis' motion, Council Member Garcia's second by a 5-0 vote. Council Member Griffith was absent.

20. Approve a resolution authorizing temporary out-of-district water service to GLENLAKE WATER SUPPLY CORPORATION AND WESTMINSTER GLEN SUBDIVISION from River Place Municipal Utility District for Glenlake and Westminster Glen Subdivisions. (Recommended by Water and Wastewater Commission)

Resolution No. 990325-20 approved on Council Member Slusher's motion, Council Member Garcia's second by a 5-0 vote. Mayor Watson was off the dais. Council Member Griffith was absent.

32. Approve a resolution authorizing execution of amendment #2 to the twelve-month service agreement with DUKE ENGINEERING AND SERVICES, INC., Charlotte, North Carolina for technical consulting services in the amount of \$500,000 for a revised total contract amount of \$1,250,000. (Funding in the amount of \$125,000 is available in the 1998-99 Approved Operating Budget for the Electric Utility Department. The remaining nine months totaling \$375,000 is contingent on approval of future budgets.) 8.8% MBE, 32.20 % WBE Subconsultant participation. (Recommended by Electric Utility Commission)

Resolution No. 990325-32 approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Mayor Watson was off the dais. Council Member Griffith was absent.

33. Approve a resolution authorizing negotiation and execution of a contract with SMALLWORLD SYSTEMS, INC. Englewood, Colorado, for computer software consisting of a geographical information system /facilities management (GIS/FM) and an outage management system (OMS) including installation, training and one year of maintenance in an amount not to exceed \$1,253,518 with four additional one year maintenance extension options in an amount not to exceed \$198,737 each for a total contract amount not to exceed \$2,135,962. (Funding in the amount of \$1,253,518 is available in the 1998-99 Capital Budget for the Electric Utility Department. Funding for the extension options is contingent upon the approval of future year budgets.) Best of seven proposals received. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990325-33 approved on Council Member Slusher's motion, Council Member Spelman's second by a 6-0 vote. Council Member Griffith was absent.

52. Approve an ordinance amending the City Code Chapter 25-10: Sign Regulations, as it relates to off-premise non-conforming signs. City Staff: Greg Guernsey, 499-2387.

This item was postponed indefinitely by Council to see what the Legislature does on this matter on Council Member Garcia's motion, Council Member Lewis' second by a 6-0 vote. Council Member Griffith was absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 4:15 p.m.

Mayor Watson announced it would go into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss of land acquisition, litigation, and personnel matters as specifically listed on this agenda. Also, the City Council may receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

75. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0865, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
76. Discuss *Sean Mannix, et. al. v. Eco Resources, Inc., et al.* Cause No. 98-550-C26, in the 26th Judicial District Court of Williamson County, Texas and related litigation and claims. (These lawsuits and claims arise out of last summer's incident involving the City of Austin's wastewater lifting station near Brushy Creek.)
77. Discuss legal issues concerning proposed legislation in the 76th Legislature.
78. Discuss *Barton Springs-Edwards Aquifer Conservation District v. City of Austin*, Cause No. 96-01851, in the 98th Judicial District, Travis County, Texas.

Real Property – Section 551.072

79. Discuss proposed lease of Palmer Auditorium to ARTS Center Stage for renovation and use as a performing arts center.
81. Discuss acquisition of real property located at 4712 Bolm Rd for Solid Waste Services administrative offices.

ACTION ON EXECUTIVE SESSION ITEMS

84. Consider approval of a settlement proposal in *Barton Springs-Edwards Aquifer Conservation District v. City of Austin*, Cause No. 96-01851, in the 98th Judicial District, Travis County, Texas.
Item No. 990325-84 was approved on Council Member Griffith's motion, Council Member Slusher's second by a 6-0-1 vote. Mayor Pro Tem Goodman abstained on this item.
85. Approve resolution authorizing the negotiation and execution of a lease of Palmer Auditorium to ARTS Center Stage for renovation and use as a performing arts center.
Resolution No. 990325-85 approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

CONSENT ITEMS FOR ZONING

ALL OF THE FOLLOWING ITEMS WERE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER GARCIA'S MOTION, COUNCIL MEMBER SPELMAN'S SECOND ON A 7-0 VOTE.

62. C14-98-0271 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13729 North U. S. Highway 183 from “I-RR”, Interim-Rural Residence district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “GR”, Community Commercial district zoning. Applicant: Lake Creek Retail, Inc. (Michael J. Romo); Agent: Bury & Pittman (James B. Knight). City Staff: David Wahlgren, 499-6455. (Continued from 3/4/99)
Ordinance No. 990325-62 approved the Planning Commission recommendation.
63. C14-98-0273 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13300 Pond Springs Road from “I-RR”, Interim-Rural Residence district to “LR”, Neighborhood Commercial district zoning. Planning Commission Recommendation: To Grant “LR-CO”, Neighborhood Commercial-Conditional Overlay district zoning with conditions. Applicant: Pond Springs Church of Christ; Agent: Kirk Swinney. City Staff: Clark Patterson, 499-2464.
Planning Commission’s recommendation was approved on first reading only.
64. C14-99-0005 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Pond Springs Road and San Felipe Blvd. from “I-RR”, Interim-Rural Residence to “MF-3”, Multifamily Residence (Medium Density) district zoning. Planning Commission Recommendation: To Grant “MF-3-CO”, Multifamily Residence (Medium Density)-Conditional Overlay district zoning with conditions. Applicant: Admiralty Fund of America, Inc. (Ralph Goodson); Agent: Reagan & Juarez. L.L.P. (Paul M. Juarez). City Staff: David Wahlgren, 499-6455.
This item was postponed to May 6, 1999.
66. C14-99-0016 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property located northeast of the intersection of Pond Springs Road and San Felipe Blvd. from “I-RR”, Interim-Rural Residence district to “MF-3”, Multifamily Residence (Medium Density) district zoning. Planning Commission Recommendation: To Grant “MF-3-CO”, Multifamily Residence (Medium Density)-Conditional Overlay district zoning with conditions. Applicant: Admiralty Fund of America, Inc. (Ralph Goodson); Agent: Reagan & Juarez, L.L.P. (Paul M. Juarez). City Staff: David Wahlgren, 499-6455.
This item was postponed to May 6, 1999.

DISCUSSION ITEMS FOR ZONING

60. C14-98-0158 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 7100-7104 McNeil Drive from “I-RR”, Interim-Rural Residence district, to “LI”, Limited Industrial Services district zoning. Planning Commission Recommendation: To Grant “SF-2”, Single-Family Residence (Standard Lot) district zoning for Tract 1, “SF-4A” Single-Family Residence

(small lot) district zoning for Tract 2, and "LR-CO", Neighborhood Commercial-Conditional Overlay district zoning for Tract 3 with conditions. Applicant: D.I.I., Inc. (Frank Greenberg); Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455. (Continued from 2/11/99)

Motion to close the public hearing on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 5-0 vote. Council Members Garcia and Slusher were off the dais.

This item was postponed for two weeks on Council Member Griffith's motion, Council Member Spelman's second on a 5-0 vote. Council Members Garcia and Slusher were off the dais.

61. C14-98-0269 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13511-13535 North FM 620 from "I-RR", Interim-Rural Residence district to "GR", Community Commercial district zoning. Planning Commission Recommendation: To Grant "RR", Rural Residence district zoning and "GR-CO", Community Commercial-Conditional Overlay district zoning with conditions. Applicant: Joseph J. Haijar. City Staff: David Wahlgren, 499-6455.
Motion to recess public hearing to May 8, 1999 passed on Mayor Pro Tem Goodman's motion, Council Member Spelman's second on a 7-0 vote.

65. C14-99-0009 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 9700 North Capital of Texas Highway from "CH-CO", Commercial Highway Services-Conditional Overlay district to "CH-CO", Commercial Highway Services-Conditional Overlay district zoning with conditions. Planning Commission Recommendation: To Grant "CH-CO", Commercial Highway Services-Conditional Overlay district zoning with conditions. Applicant: Wal Mart Real Estate Business; Agent: Western PCS (D'Anne Williams). City Staff: Antonio Gonzalez, 499-2243.
The public hearing was closed on Council Member Spelman's motion, Council Member Griffith's second by a 7-0 vote.

Ordinance No. 990325-65 approving the Planning Commission's recommendation to CH district zoning passed on Council Member Griffith's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

PUBLIC HEARINGS/ACTION ITEMS

67. **6:00 P.M.** - Conduct a public hearing to approve an EMS Fee Increase for non-emergency transfer to \$195 for each transfer leg and to \$5 per mile.
The public hearing was closed on Council Member Garcia's motion, Council member Spelman's second by a 7-0 vote.
72. Approve an EMS Fee Increase for non-emergency transfer to \$195 for each transfer leg and to \$5 per mile.
Ordinance No. 990325-72 approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

69. 6:30 P.M. - Conduct a public hearing regarding a change in the street name for the entire length of Huntsville Drive to Riata Vista Circle (from the southeastern intersection of Huntsville Drive and Parmer Lane looping westerly to the northwestern intersection of Huntsville Drive and Parmer Lane.)
The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second on a 7-0 vote.
73. Approve a change in the street name for the entire length of Huntsville Drive to Riata Vista Circle (from the southeastern intersection of Huntsville Drive and Parmer Lane looping westerly to the northwestern intersection of Huntsville Drive and Parmer Lane.)
Ordinance No. 990325-73 approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.
70. 6:45 P.M. - Conduct a Public Hearing regarding the proposed plan for the City of Austin to lease downtown property to Computer Sciences Corporation.
The public hearing was closed on Council Member Goodman's motion, Council Member Garcia's second on a 6-0 vote. Council Member Griffith was off the dais.
36. Approve a resolution authorizing negotiation and execution of a twelve month service agreement with UTILITY METER SERVICES, Willow Grove, PA, to provide electric and water meter reading services in an amount not to exceed \$2,079,000 with the option to extend for up to three twelve-month periods in an amount not to exceed \$2,058,210 (year two), \$2,292,098 (year three), and \$2,406,702 (year four) for a total contract amount not to exceed \$8,836,010. (Funding in the amount of \$1,212,750 was included in the 1998-99 Operating Budget of the Electric Utility Department. Funding for the remaining five months of the original contract period and the extension options are contingent upon available funding in future budgets.) Best proposal of two. 15% WBE, 0% MBE Subcontracting participation. (Recommended by Electric Utility Commission)
This item was postponed one week on Council Member Slusher's motion, Council Member Lewis' second by a 7-0 vote.
71. 7:30 P.M. - Conduct a Public hearing on a request to waive the minimum separation distance requirement of City Code Section 8-3-4, between a proposed gas station/convenience store (Exxon Tiger Market) at 6707 Cameron Road at U. S. Highway 290 East which intends to sell alcoholic beverages and a public school (Reagan High School). File #SP-98-0470(AW). Applicant: Exxon Company USA; Agent: Wallace Group (Christopher Ruiz).
The public hearing was closed on Council Member Slusher's motion, Council Member Spelman's second on a 7-0 vote.
74. Consider action on a request to waive the minimum separation distance requirement of City Code Section 8-3-4, between a proposed gas station/convenience store (Exxon Tiger Market) at 6707 Cameron Road at U. S. Highway 290 East which intends to sell alcoholic beverages and a public school (Reagan High School). File #SP-98-0470(AW). Applicant: Exxon Company USA; Agent: Wallace Group (Christopher Ruiz).
This item was denied on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

37. Approve a resolution authorizing negotiation and execution of a professional services agreement with KIMBLE/ZETTY, San Antonio, Texas, for construction partnering consultant services for a period of approximately one year, in an amount not to exceed \$50,000. (Funding was included in the 1998-99 Operating Budget of the Department of Public Works and Transportation, Capital Projects Management Fund.) Best qualification of two. 0% MBE, 3% WBE Subconsultant participation. This item was postponed one week to allow staff time to answer questions from MBE/WBE contractors on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

44. Approve a resolution authorizing or denying a request for appeal of a decision by the City Electrical Board denying a reciprocal license to Steve Moore. This issue was postponed for up to two months to give staff and board members time to find a way to correct this problem on Council Member Garcia's motion, Council Member Goodman's second on a 6-1 vote. Mayor Watson voted no.

Items 82, 83 and 86 were not discussed due to lack of time in the Executive Session.

Personnel Matters – Section 551.074

82. Evaluate the performance City Auditor.

83. Discuss duties and evaluation of Municipal Court Clerk

86. Adopt performance evaluation plan for Municipal Court Clerk

ADJOURN at 10:14 p.m. on Council Member Slusher's motion, Council Member Goodman's second by a 7-0 vote.

Approved on this the 1st day of April on Council Member Garcia's motion, Council Member Griffith's second by a 5-0 vote. Council Members Slusher and Spelman were off the dais.